TITLE 326
AIR POLLUTION CONTROL BOARD

ARTICLE 1. GENERAL PROVISIONS

RULE 1. PROVISIONS APPLICABLE THROUGHOUT TITLE 326

326 IAC 1-1-1 ------- Applicability to Title 326

This rule (326 IAC 1) is applicable to all of Title 326 IAC.

326 IAC 1-1-2 ------- Federal references

Unless otherwise indicated, references in these rules [this title] to the federal Clean Air Act, the Clean Air Act, or the CAA, shall mean the federal Clean Air Act, 42 U.S.C. 7401 et seq. as amended (including the Clean Air Act Amendments of 1990, P.L.101-549).

[As amended at: 17 IR 2237.]

326 IAC 1-1-3 -------- CFR references

Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 1998 edition*.

*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.

[As amended at: 24 IR 667.]

326 IAC 1-1-4 ------- Severability

If any provision of the rules or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect any other provisions or applications of these rules (326 IAC) which can be given effect without the invalid provision or application.

326 IAC 1-1-5 -------- Savings clause

The repeal and reenactment in this title (326 IAC) of any rule previously the responsibility of the air pollution control board shall not have the effect to release or extinguish any penalty or forfeiture incurred under the same, and such previous rule shall be treated as still remaining on in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture or liability.

RULE 2. DEFINITIONS

326 IAC 1-2-1 -------- Applicability of definitions

Definitions used in this title (326 IAC, air pollution control rules) are set forth in this rule (326 IAC 1-2). These definitions are in addition to those contained in IC 13-1-1-2 and IC 13-7-1. Any definitions set forth in other air pollution control rules shall be governing for that rule if there is a conflict.

326 IAC 1-2-2 -------- "Allowable emissions" defined

"Allowable emissions" means the lowest emission rate calculated using all of the following:

(1) The maximum capacity of the facility at eight thousand seven hundred sixty (8,760) hours per year.

(2) The most stringent applicable federally enforceable state rule.

(3) Limits on the operation specified by a federally enforceable permit.

(4) An emission rate specified as a federally enforceable permit condition.

(5) Potential emissions.

(6) For noncontinuous batch manufacturing operations, when the process, not considering operating hours, results in daily emissions less than those calculated on an hourly basis, daily emission rates shall be used instead of hourly rates.

[As amended at: 17 IR 2237.]

326 IAC 1-2-2.5 ----- "Air curtain destructor" defined

An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in an adjacent pit. An air curtain destructor is not considered an incinerator as defined in section 34 of this rule.

[As added at: 12 IR 1126.]

326 IAC 1-2-3 -------- "Air pollution control equipment" defined

Air Pollution Control Equipment (Also pollution control equipment, pollution control device, emission control device): Control equipment which is not, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Equipment is vital if the source could not produce its normal product or operate without it.

326 IAC 1-2-4 -------- "Applicable state and federal regulations" defined

"Applicable state and federal regulations" includes rules adopted by the air pollution control board under this title, regulations adopted by the U.S. EPA under the Code of Federal Regulations pursuant to the Clean Air Act, and direct requirements established by the Clean Air Act.

*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

[As amended at: 17 IR 2237.]

326 IAC 1-2-5 -------- "Attainment area" defined

A geographical area designated by the board as meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3.

326 IAC 1-2-6 -------- "Best available control technology (BACT)" defined

An emission limitation (including a visible emission standard) or equipment standard based on the maximum degree of reduction of each pollutant subject to regulation under the Clean Air Act and applicable Indiana laws or rules which would be emitted from or which results from any proposed major facility or modification thereto which the commissioner, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such facility or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which will exceed the emissions allowed by any applicable standard.

If the commissioner determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirements for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

326 IAC 1-2-6.5 ----- "Board" defined

"Board" means the air pollution control board.

[As added at: 23 IR 1367.]

326 IAC 1-2-7 ------- "Bulk gasoline plant" defined

A gasoline storage and distribution facility which receives gasoline from bulk terminals by transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.

326 IAC 1-2-8 -------- "Bulk gasoline terminal" defined

A gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, barge or rail, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by transport.

326 IAC 1-2-9 -------- "Catalytic cracking unit" defined

A unit composed of a reactor, regenerator, and fractionating tower which is used to convert certain petroleum fractions into more valuable products by passing the material at elevated temperature, through a bed of catalyst in the reactor. Coke deposits produced on the catalyst during cracking are removed.

326 IAC 1-2-10 ------ "Charging" defined

The introduction of coal into a coke oven. The charging period begins with the first introduction of coal into the coke oven and ends with the replacement of the last charge port lid.

326 IAC 1-2-11 ------ "Charge port" defined

An opening in the roof of a coke oven through which coal is introduced.

326 IAC 1-2-12 ------ "Clean Air Act" defined

"Clean Air Act," or the "CAA", unless otherwise indicated, means the federal Clean Air Act, found at 42 U.S.C. 7401 et seq., as amended (including the Clean Air Act Amendments of 1990, P.L.101-549), as indicated in 326 IAC 1-1-2.

[As amended at: 17 IR 2238.]

326 IAC 1-2-13 ------ "Coal processing" defined

The breaking, crushing, and screening of coal in preparation for charging to any combustion facility.

326 IAC 1-2-14 ------ "Coating line" defined

"Coating line" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, one (1) or more of the following:

(1) Spray booths.

(2) Flow coaters.

(3) Flash-off areas.

(4) Air dryers.

(5) Ovens.

[As amended at: 14 IR 1712.]

326 IAC 1-2-15 ------ "Code of Federal Regulations" defined

Unless otherwise provided, references to the Code of Federal Regulations (CFR) shall mean the version indicated in 326 IAC 1-1-3.

326 IAC 1-2-16 ------ "Coke oven battery" defined

Any series of jointly operated slot-type coke ovens, the operation of which results in the destructive distillation of coal for conversion to coke.

326 IAC 1-2-17 ------ "Coke oven topside" defined

The top of any coke oven, including, but not limited to, the charge port, charge port lids and off-take piping associated with an oven.

326 IAC 1-2-18 ------ "Coke-side" defined

That side of a coke oven from which the coke is removed for quenching.

326 IAC 1-2-18.5 --- "Cold cleaner degreaser" defined

"Cold cleaner degreaser" means a tank containing organic solvent at a temperature below the boiling point of the solvent which is used to spray, brush, flush, or immerse an article for the purpose of cleaning or degreasing the article.

[As added at: 13 IR 1676.]

326 IAC 1-2-19 ------ "Combustion for indirect heating" defined

The combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to the products of combustion.

326 IAC 1-2-20.2 --- "Commissioner" defined

"Commissioner" means the commissioner of the Indiana department of environmental management.

[As added by: 23 IR 1367.]

326 IAC 1-2-21 ------ "Construction" defined

"Construction" means fabrication, erection, or installation of one or more emissions units at the location intended for its use. Construction does not include any of the following:

(1) Installation of building supports and foundations.

(2) Laying underground piping or arbors.

(3) Erection of storage structures.

(4) Dismantling existing equipment and control devices.

(5) Ordering of equipment and control devices.

(6) Off-site fabrication.

(7) Temporary storage other than where permanent installation will occur.

This section does not apply to a major PSD source or a major PSD modification as defined in 326 IAC 2-2 or a major source or major modification as defined in 326 IAC 2-3.

[As amended at: 22 IR 978.]

326 IAC 1-2-21.5 --- "Conveyorized degreaser" defined

"Conveyorized degreaser" means any continuous system that, for the purpose of cleaning or degreasing articles, transports the articles through or over an organic solvent bath which is heated to its boiling point, or transports the articles through an organic solvent bath at a temperature below the boiling point of the solvent.

[As added at: 13 IR 1676.]

326 IAC 1-2-22 ------ "Cutback asphalt" defined

Asphalt cement liquified by blending with volatile organic compounds, and which is used for the purpose of paving and/or repairing a road surface.

326 IAC 1-2-22.5 --- "Department" defined

"Department" means the Indiana department of environmental management.

[As added at: 18 IR 1223.]

326 IAC 1-2-23 ------ "Electric arc furnaces" defined

An electric arc furnace is defined as any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of the finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

326 IAC 1-2-23.5 --- "Emissions unit" defined

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant under the Clean Air Act (CAA).

[As added at: 22 IR 979.]

326 IAC 1-2-24 ------ "U.S. EPA" defined

The United States Environmental Protection Agency.

326 IAC 1-2-25 ------ "Excess air" defined

That air supplied in addition to the theoretical quantity necessary for complete combustion for all fuel and/or combustible waste material present.

326 IAC 1-2-26 ------ "Existing facility" defined

Any facility which has commenced construction or is in operation at the time of promulgation of the applicable regulation.

326 IAC 1-2-27 ------ "Facility" defined

Any one (1) structure, piece of equipment, installation or operation which emits or has the potential to emit any air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for the purpose of this rule (326 IAC 1-2).

326 IAC 1-2-28 ------ "Farming operation" defined

That business concerned with the planting, harvesting, and/or marketing of crops and the raising of animals. This does not include nurseries, tree farms, or sod production.

326 IAC 1-2-28.5 ---- "Federally enforceable" defined

"Federally enforceable" means all limitations and conditions which are enforceable by the U.S. EPA administrator, including those requirements developed for the following:

(1) Standards of performance for new stationary sources contained in 40 CFR 60*.

(2) National emission standards for hazardous air pollutants contained in 40 CFR 61*.

(3) Requirements within any applicable state implementation plan.

(4) Any permit requirements contained in 40 CFR 52.21* or under regulations approved under the review of new sources and modifications established in 40 CFR 51, Subpart I*. This includes operating permits issued under a U.S. EPA approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program.

*Copies of the Code of Federal Regulations have been incorporated by reference and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

[As added at: 18 IR 1223.]

326 IAC 1-2-29 ------ "Flare" defined

An elevated combustion device that burns waste gases.

326 IAC 1-2-29.5 --- "Freeboard height" defined

"Freeboard height" means the distance, in a cold cleaner degreaser or open top vapor degreaser, between the solvent bath or solvent vapor, if present, and the top edge of the degreaser opening.

[As added at: 13 IR 1676]

326 IAC 1-2-29.6 --- "Freeboard ratio" defined

"Freeboard ratio" means the ratio of the freeboard height to the width of the degreaser opening in a cold cleaner degreaser or open top vapor degreaser.

[As added at: 13 IR 1676.]

326 IAC 1-2-30 ------ "Fugitive dust" defined

Particulate matter composed of soil which is uncontaminated by pollutants resulting from industrial activity. Fugitive dust may include emissions from haul roads, wind erosion of exposed soil surfaces and soil storage piles and other activities in which soil is either removed, stored, transported or redistributed. Note that a different definition for fugitive dust is established in 326 IAC 6-4 for use therein.

326 IAC 1-2-31 ------ "Gas collector main" defined

The pipe or duct through which the gaseous by-products of coking are transported from the offtake piping of coke ovens to the by-product plant.

326 IAC 1-2-32 ------ "Gasoline" defined

A petroleum distillate having a Reid vapor pressure of 27.6 kilo Pascals (4 psi) or greater.

326 IAC 1-2-32.1 ---- "Gooseneck cap" defined

"Gooseneck cap" means a device which is located between the damper valve and the coke oven on the standpipe. When open, it vents the coke oven to the atmosphere.

[As added at: 16 IR 2363.]

326 IAC 1-2-33 ------ "Governmental unit" defined

Any agency which has air pollution control, law-making and enforcement jurisdiction, excluding the federal government, which represents any city, county or other local government unit.

326 IAC 1-2-33.1 ---- "Grain elevator" defined

"Grain elevator" means an installation at which grains are weighed, cleaned, dried, loaded, unloaded, and placed in storage. The term does not include any portion of the installation at which activities other than those described in this section are conducted.

[As added at: 17 IR 2238.]

326 IAC 1-2-33.2 ---- "Grain terminal elevator" defined

"Grain terminal elevator" means any grain elevator which has greater than the following capacity:

(1) Two million five hundred thousand (2,500,000) U.S. bushels certified storage.

(2) Ten million (10,000,000) bushels annual grain throughput.

[As added at: 17 IR 2238.]

326 IAC 1-2-33.5 --- "Hazardous air pollutant" defined

"Hazardous air pollutant" means any air pollutant listed pursuant to Section 112(b) of the Clean Air Act.

[As added at: 17 IR 2238.]

326 IAC 1-2-34 ------ "Incinerator" defined

An engineered apparatus that burns waste substances with controls on combustion factors including, but not limited to, temperature, retention time, and air.

326 IAC 1-2-34.1 ---- "Jumper pipe" defined

"Jumper pipe" means a section of U-shaped pipe which is positioned on the top of an oven opposite to the side having the collector main. The pipe is used during the charging operation to vent the visible emissions, particulate matter, and gases generated from the oven being charged to an adjacent oven.

[As added at: 16 IR 2363.]

326 IAC 1-2-35 ------ "Larry car" defined

A vehicle which transfers and introduces coal into a coke oven.

326 IAC 1-2-36 ------ "Lowest achievable emission rate" defined

For any facility, that rate of emissions which reflects the more stringent of the following:

(1) the most stringent emissions limitation and/or the limitation resulting from equipment standards which are contained in the state implementation plan for such class or category of facility unless the owner or operator of the proposed facility demonstrates to the commissioner that such limitations are not achievable or;

(2) the most stringent emissions limitation resulting from equipment standards or which has been achieved in practice by such class or category of facility.

326 IAC 1-2-37 ------ "Luting material" defined

A mud/slurry mixture used to obtain a seal and to minimize emissions from the charge port lids and standpipe caps.

326 IAC 1-2-38 ------ "Major facility" defined

Any facility which has the potential to emit one hundred (100) tons or more per year of any one (1) regulated pollutant.

326 IAC 1-2-39 ------ "Malfunction" defined

Any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner.

326 IAC 1-2-40 ------ "Material" defined

Includes all biodegradable and non-biodegradable substances including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood and wood products.

326 IAC 1-2-41 ------ "Military specifications" defined

Any specifications relating to or controlling the volatile organic compound make-up of paints used for covering military goods and which have been established as a requirement by any branch of the United States Armed Services.

326 IAC 1-2-42 ------ "Modification" defined

"Modification" means one (1) or more of the following activities at an existing source:

(1) A physical change or change in the method of operation of any existing emissions unit that increases the potential to emit any regulated pollutant that could be emit-

ted from the emissions unit, or that results in emissions of any regulated pollutant not previously emitted.

(2) Construction of one (1) or more new emissions units that have the potential to emit regulated air pollutants.

(3) Reconstruction of one (1) or more existing emissions units that increases the potential to emit any regulated air pollutant.

[As amended at: 22 IR 979.]

326 IAC 1-2-43 ------ "Natural growth" defined

Trees, brush, or other vegetation in its natural state either dead or alive.

326 IAC 1-2-44 ------ "Necessary preconstruction approvals for permits" defined

Those permits or approvals required by the permitting authority under the Indiana state implementation plan as a precondition to undertaking construction.

326 IAC 1-2-45 ------ "New facility" defined

Any facility which commences construction after the promulgation date of the applicable section of this title (326 IAC).

326 IAC 1-2-46 ------ "Nonattainment areas" defined

A geographical area designated by the board as not meeting the ambient air quality standards established for a specific pollutant in 326 IAC 1-3.

326 IAC 1-2-47 ------ "Noncombustible container" defined

A container that can withstand a temperature of 1500º F.

326 IAC 1-2-48 ------ "Nonphotochemically reactive hydrocarbon" or "negligibly photochemically reactive compounds" defined

(a) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) in 40 CFR 51.100(s)(1)*. The air pollution control board incorporates by reference 40 CFR 51.100(s)(1)*, 62 FR 44900* (August 25, 1997), and 63 FR 17331* (April 9, 1998).

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 or are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204.

[As amended at: 23 IR 2704.]

326 IAC 1-2-49 ------ "Offtake piping" defined

Piping extending from the connection on the top of a coke oven to and including the connection on the gas collector main. Offtake piping includes the standpipe and gooseneck.

326 IAC 1-2-49.5 ---- "Open top vapor degreaser" defined

"Open top vapor degreaser" means a tank containing organic solvent which is heated to its boiling point for the purpose of cleaning or degreasing articles by passing the articles through or over the solvent bath.

[As added at: 13 IR 1676.]

326 IAC 1-2-50 ------ "Oven door" defined

The vertical face of a coke oven between the bench and the top of the battery and between two (2) adjacent back-stays.

326 IAC 1-2-51 ------ "Owner or operator" defined

Any person who owns, leases, controls, operates or supervises a facility, an air pollutant emission source or air pollution control equipment.

326 IAC 1-2-52 ------ "Particulate matter" defined

Any airborne finely divided solid or liquid material, excluding uncombined water, with an aerodynamic diameter smaller than one hundred (100) micrometers (μm).

(1) PM_{10}: Any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (μm) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner.

(2) Total suspended particulate (TSP): Any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

[As amended at: 11 IR 3020.]

326 IAC 1-2-54 ------ "Positive net air quality benefit" defined

The net result of offsetting new allowable emissions with reduced actual or allowable emissions such that the net sum of the projected changes in the ambient air quality in the affected area will be positive and that at no receptor will there be a significant increase in the pollutant levels due to the projected changes. However, in no event will credit for positive net air quality benefit be given for sources which merely achieve compliance with the applicable allowable emission limits by reducing actual emissions to said allowable limits.

326 IAC 1-2-55 ------ "Potential emissions" defined

Emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollution control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum annual rated capacity unless hours of operation are limited by enforceable permit conditions. Potential emissions from a facility shall take into account the hours of operation per year and shall be calculated according to federal emission guidelines in AP 42-most recent edition-Compilation of Air Pollution Factors, or calculated based on stack test data or other equivalent data acceptable to the commissioner.

326 IAC 1-2-56 ------ "Pre-carbonization" defined

The process by which coal is pulverized, preheated, and conveyed hot to the oven to be charged.

326 IAC 1-2-57 ------ "Primary chamber" defined

The chamber in which waste material is ignited and burned.

326 IAC 1-2-58 ------ "Process" defined

Any action, operation, or treatment and the equipment used in connection therewith, and all methods or forms of manufacturing or processing that may emit air contaminants.

326 IAC 1-2-59 ------ "Process weight; weight rate" defined

(a) Process weight: The total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight but liquid and

gaseous fuels and combustion air will not.

(b) Process weight rate:

(1) For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(2) For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

When the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation for this definition, the interpretation that results in the minimum value for allowable emission shall apply.

326 IAC 1-2-60 ------ "Pushing" defined

The operation by which coke is removed from the coke oven and transported to the quench area. The operation begins with the first visible movement of coke and ends when the quenching operation is commenced.

326 IAC 1-2-61 ------ "Push-side" defined

That side of a coke oven in which a ram is inserted to push the coke out through the coke-side door.

326 IAC 1-2-62 ------ "Qualified observer" defined

Any person who has successfully completed a state or U.S. EPA approved visible emission evaluation course and is currently certified as such.

326 IAC 1-2-62.1 ---- "Quench car" defined

"Quench car" means movable car on rails that is self-propelled or propelled by a locomotive and designed to receive the charge of hot coke pushed from an oven of a coke battery. The quench car transports the coke to a quench tower for quenching and is designed to allow the water which does not evaporate to drain into a sump.

[As added at: 16 IR 2363.]

326 IAC 1-2-63 ------ "Quenching" defined

The operation by which the combustion of hot coke is stopped by the application of water or any other means achieving the same effect.

326 IAC 1-2-63.1 ---- "Quench reservoir" defined

"Quench reservoir" means a tank, usually located near the top of a quench tower, that holds sufficient water to quench the hot coke carried by the quench car.

[As added at: 16 IR 2363.]

326 IAC 1-2-63.2 --- "Quench tower" defined

"Quench tower" means a chimney-like structure equipped with a water spray system and a sump to catch the excess water. The tower is designed to accommodate a quench car which is positioned under the tower prior to a quench. During the quenching of coke, the water flows from the quench reservoir into the nozzles by gravity and is dispersed onto the hot coke held by the quench car.

[As added at: 16 IR 2364.]

326 IAC 1-2-64 ------ "Reasonable further progress" defined

The annual incremental reductions in emissions of a pollutant which are sufficient in the judgment of the commissioner to provide reasonable progress towards attainment of the applicable ambient air quality standards established by 326 IAC 1-3 by the dates set forth in the Clean Air Act.

326 IAC 1-2-64.1 --- "Reasonably available control technology" or "RACT" defined

"Reasonably available control technology" or "RACT" means control technology that is reasonably available and both technologically and economically feasible.

[As added at: 18 IR 1224.]

326 IAC 1-2-65 ------ "Reconstruction" defined

An emission units shall be considered to be reconstructed when the fixed capital cost of the new components exceed fifty percent (50%) of the fixed capital cost of a comparable entirely new emissions unit. The fixed capital cost of components shall reflect any exceptions granted under 40 CFR 60*.

*Copies of the Code of Federal Regulations (CFR) referenced in this section may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

[As amended at: 22 IR 979.]

326 IAC 1-2-66 ------ "Regulated pollutant" defined

Any pollutant for which a rule establishing emission limitations or requirements has been promulgated by the board.

326 IAC 1-2-67 ------ "Reid vapor pressure" defined

The absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 (Reapproved 1977).

326 IAC 1-2-68 ------ "Related facilities" defined

Any group of facilities within a source (other than major facilities, as defined in 326 IAC 1-2-38) which, in combination, have the potential to emit twenty-five (25) tons or more per year of any one (1) regulated pollutant and which in the judgment of the commissioner contribute so much together (rather than individually) to the facility's or source's emissions that a single operating permit (rather than individual permits for each facility) is warranted.

326 IAC 1-2-69 ------ "Respirable dust" defined

Particles in the range of 0.5 microns to 6.0 microns in diameter.

326 IAC 1-2-70 ------ "Secondary chamber" defined

The chamber in which combustible solids, vapors, and/or gases from the primary chamber either are collected or are ignited and burned.

326 IAC 1-2-71 ------ "Shutdown condition" defined

The cessation of operation of emission control equipment for any purpose.

326 IAC 1-2-72 ------ "Solvent" defined

Organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

326 IAC 1-2-73 ------ "Source" defined

An aggregation of one (1) or more stationary emissions units that are located on one (1) piece of property or on contiguous or adjacent properties are owned or operated by the same person (or by persons under common control) and belong to a single major industrial grouping. For purposes of defining a source, two (2) or more contiguous or adjacent properties

shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such contiguous or adjacent properties belong to the same major group, that is, all have the same two (2) digit Standard Industrial Classification (SIC) code as described in the Standard Industrial Classification Manual, 1987. Any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source. A source does not include mobile sources, nonroad engines, or nonroad vehicles.

[As amended at: 22 IR 979.]

326 IAC 1-2-74 ------ "Stack" defined

A vertical duct originating within the facility, the area and other physical parameters of which are quantifiable (including the quantity of pollutants emitted) and the use of which results in any immediate, physical pollutant plume whose characteristics continuously are determined by the operation of the facility. Any stack as defined herein with a horizontal discharge, or an elevated flare shall be considered to be a stack for the purpose of these rules (326 IAC).

326 IAC 1-2-75 ------ "Standard conditions" defined

A gas temperature of 70º F. and a gas pressure of 14.7 pounds per square inch absolute (psia).

326 IAC 1-2-76 ------ "Startup condition" defined

The setting in operation of a facility or of emission control equipment for any purpose.

326 IAC 1-2-77 ------ "Standpipe lid" defined

The lid covering the opening on the gooseneck which can be opened to provide access to remove constricting carbonaceous buildup in the piping. The standpipe lid is also used for purposes of decarbonizing the oven.

326 IAC 1-2-78 ------ "State implementation plan (SIP)" defined

The state plan of the department of environmental management which provides for implementation, maintenance and enforcement of the primary and secondary ambient air quality standards in Indiana.

326 IAC 1-2-80 ------ "Tank wagon" defined

A straight four- or six-wheel truck with a tank mounted on the chassis typically with a capacity of approximately two thousand (2,000) gallons and used to dispense liquid petroleum products.

326 IAC 1-2-81 ------ "Temporary emissions" defined

Those emissions resulting from operations not exceeding two (2) years in duration at one (1) location.

326 IAC 1-2-82 ------ "Theoretical air" defined

The exact amount of air required to supply the required oxygen for complete combustion for a given quantity of a specific fuel or waste.

326 IAC 1-2-83 ------ "Transfer efficiency" defined

The weight (or volume) of coating solids adhering to an object divided by the total weight (or volume) of coating solids used in application processes.

326 IAC 1-2-84 ------ "Transport" defined

A tractor semi-trailer capable of hauling a maximum load permissible by law of liquid petroleum products with various sized compartment and typically a total capacity of approximately eight thousand (8,000) gallons.

326 IAC 1-2-85 ------ "True vapor pressure" defined

The equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

326 IAC 1-2-86 ------ "Unclassifiable (unclassified) areas" defined

A geographical area which cannot be classified as attainment or nonattainment on the basis of available information, but for the purpose of establishing emission limitations in the applicable rule, an area comparable to an attainment area.

326 IAC 1-2-87 ------ "Underfire" defined

The term used to describe the combustion mechanism by which coke ovens are heated.

326 IAC 1-2-88 ------ "Vapor balance system" defined

A combination of pipes and/or hoses which creates a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

326 IAC 1-2-89 ------ "Vapor control system" defined

A system that prevents release to the atmosphere more than 80 mg/l of organic compounds in the vapors displaced from a tank during the transfer of gasoline.

326 IAC 1-2-90 ------ "Volatile organic compound (VOC)" defined

(a) "Volatile organic compound" or "VOC" means any compound of carbon excluding the following:

(1) Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(2) Any organic compound which has been determined to have negligible photochemical reactivity listed in section 48 of this rule. VOC content shall be measured in accordance with 326 IAC 8-1-4.

(b) For purposes of determining compliance with emission limits, volatile organic compounds will be measured by the test methods in this title or 40 CFR 60, Appendix A*, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the commissioner.

(c) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the commissioner may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the commissioner, the amount of negligibly-reactive compounds in the source's emissions.

(d) For purposes of federal enforcement for a specific source, the U.S. EPA shall use the test methods specified in Indiana's approved state implementation plan, in a permit issued pursuant to a program approved or promulgated under:

(1) Title V of the Clean Air Act;

(2) 40 CFR 51, Subpart I*;

(3) 40 CFR 51, Appendix S*;

(4) 40 CFR 52*; or

(5) 40 CFR 60*.

The U.S. EPA shall not be bound by any state determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the provisions listed in this subsection.

*Copies of the Code of Federal Regulations (CFR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402. Copies of the pertinent sections of the CFR are also available from the Department of Environmental Management, Office of Air Management, 100 North Senate Avenue, Indianapolis, Indiana 46204-2220.

[As amended at: 19 IR 30.]

326 IAC 1-2-91 ------ "Wood products" defined

Material consisting of untreated wood or vegetation.

[As amended at: 12 IR 1126.]

RULE 3. AMBIENT AIR QUALITY STANDARDS

326 IAC 1-3-1 ------- Ambient air quality standards: purpose and applicability of rule

(a) The purpose of this rule (326 IAC 1-3) is to establish primary and secondary ambient air quality standards for the state of Indiana to the extent necessary to protect public health and welfare, and which are consistent with the intent and provisions of the Indiana law.

(b) Further, in accordance with provisions of the Clean Air Act, and 40 CFR 50, this is a rule promulgating both primary and secondary air quality standards that are applicable throughout the entire state.

(1) Primary ambient air quality standards define levels of air quality which the board judges are necessary with an adequate margin of safety to protect the public health.

(2) Secondary ambient air quality standards define levels of air quality which the board judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

326 IAC 1-3-2 -------- Ambient air quality standards: sampling procedures

Procedures to sample the ambient air quality in the state shall be conducted in accordance with 40 CFR 50, and appendices or other equivalent methods approved by the commissioner.

326 IAC 1-3-3 -------- Ambient air quality standards: quality assurance guidelines

Quality assurance of sampling methods and analysis of ambient air quality samples shall be in accordance with the guidelines established by the commissioner.

326 IAC 1-3-4 ------- Ambient air quality standards: listing

The following ambient air quality standards, corrected to a reference temperature of 25° C. and to a reference pressure of 760 millimeters of mercury (1,013.2 millibars), as micrograms per cubic meter ($\mu g/m^3$), shall apply:

(1) Sulfur Oxides as Sulfur Dioxide (SO_2).

(A) Primary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 80 $\mu g/m^3$ (0.03 ppm) annual arithmetic mean.

(ii) 365 $\mu g/m^3$ (0.14 ppm) maximum 24-hour average concentration not to be exceeded more than one day per year.

(B) Secondary Standards: The following value shall represent the maximum permissible ambient air quality levels:

1,300 $\mu g/m^3$ (0.50 ppm) maximum 3-hour concentration not to be exceeded more than once per year.

(C) Sulfur dioxide values may be converted to ppm using the conversion factor 2,620 $\mu g/m^3$ = 1.0 ppm.

(2) Total Suspended Particulate (TSP).

(A) Primary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 75 $\mu g/m^3$ annual geometric mean.

(ii) 260 $\mu g/m^3$ maximum 24-hour average concentration not to be exceeded more than one day per year.

(B) Secondary Standards: The following value shall represent maximum permissible ambient air quality levels:

150 $\mu g/m^3$ maximum 24-hour average concentration not to be exceeded more than one day per year.

(3) Carbon Monoxide (CO).

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 10 milligrams per cubic meter (10,000 $\mu g/m^3$) (9 ppm) maximum 8-hour average concentration not to be exceeded more than once per year.

(ii) 40 milligrams per cubic meter (40,000 $\mu g/m^3$) (35 ppm) maximum one-hour average concentration not to be exceeded more than once per year.

(B) Carbon monoxide values may be converted to ppm using the conversion factor 1,145 $\mu g/m^3$ = 1.0 ppm.

(4) Ozone (O_3).

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality level:

The expected number of days with maximum hourly ozone concentrations above 235 $\mu g/m^3$ (0.12 ppm) shall not exceed one (1) per calendar year.

(B) Ozone (O_3) values may be converted to ppm using the conversion factor 1,965 $\mu g/m^3$ = 1.0 ppm.

(5) Nitrogen Dioxide (NO_2).

(A) Primary and Secondary Standard: The following value shall represent the maximum permissible ambient air quality level:

100 $\mu g/m^3$ (0.05 ppm) annual arithmetic mean.

(B) Nitrogen dioxide values may be converted to ppm using the conversion factor 1,880 $\mu g/m^3$ = 1.0 ppm.

(6) Lead (Pb).

(A) Primary and Secondary Standard: The following value shall represent the maximum permissible ambient air quality level:

1.5 micrograms lead per cubic meter of air (μg of Pb/m^3), averaged over a calendar quarter and measured as elemental lead.

(7) PM_{10}.

(A) Primary and Secondary Standards: The following values shall represent the maximum permissible ambient air quality levels:

(i) 50 $\mu g/m^3$ annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR Part 50, Appendix K, (per July 1, 1987, 52 FR 24663*), is less than or equal to 50 $\mu g/m^3$.

(ii) 150 $\mu g/m^3$ maximum 24-hour average concentration. The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$, as determined in accordance with 40 CFR Part 50, Appendix K (per July 1, 1987, 52 FR 24663*), is equal to or less than one.

*Copies of July 1, 1987 Federal Register Notice (52 FR 24663) are available from the Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46225.

[As amended at: 11 IR 3020.]

RULE 4. NONATTAINMENT/ATTAINMENT/ UNCLASSIFIABLE AREA DESIGNATIONS FOR SULFUR DIOXIDE; TOTAL SUSPENDED PARTICULATES, CARBON MONOXIDE; OZONE; AND NITROGEN DIOXIDES

326 IAC 1-4-1 ------- Designations

(a) The air pollution control board incorporates by reference 40 CFR 81.315*, 59 FR 54391 (October 31, 1994)*, 61 FR 58482 (November 15, 1996)*, 62 FR 18521 (April 16, 1997)*, and 62 FR 64725 (December 9, 1997)* concerning attainment status designations.

(b) Copies of the Code of Federal Regulations (CFR) and the Federal Register (FR) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana 46204-6015.

[As amended at: 21 IR 3341.]

RULE 5. EPISODE ALERT LEVELS

326 IAC 1-5-1 ------- Episode alert levels: scope of rule

This rule (326 IAC 1-5) establishes air pollution episode levels based on concentrations of the criteria pollutants in the ambient air. The minimum levels listed in 326 IAC 1-5-4 are the basis upon which the episode levels are established. As these levels are reached and verified, the appropriate episode level will be activated. The "control actions" required under each episode level shall include, but are not limited to, the actions listed for the appropriate episode level in the emergency reduction plan (ERP) required to be submitted to the commissioner by applicable major air pollution sources.

326 IAC 1-5-2 -------- Episode alert levels: submission of emergency reduction plans

All persons responsible for the operation of a source that has the potential to emit one hundred (100) tons per year, or more, of any pollutant shall prepare, and submit to the commissioner, for approval, written emergency reduction plans consistent with safe operating procedures. Said submittal shall be made no later than December 19, 1979, or one-hundred eighty (180) days from the date on which a new source commences operation. If the ERP is dissapproved *[sic.]*, the source shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP. These ERP's shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants. Said ERP's shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.

326 IAC 1-5-3 -------- Episode alert levels: approved plan implementation

Upon direct notification by the commissioner or authorized representative that a specific air pollution episode level is in effect, all operators of facilities required by the provisions of this rule (326 IAC 1-5) to have submitted an ERP shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level.

326 IAC 1-5-4 ------- Episode alert levels: alerts; warnings; emergencies

(a) Air pollution alert: When the concentration of the contaminants listed below reaches an alert level, first stage control action must begin. An alert will be declared by the commissioner when any one of the following levels is reached at any sampling site:

(1) SO_2: 0.30 parts per million (ppm) 800 micrograms per cubic meter ($\mu g/m^3$), 24-hour average.

(2) Particulate: 375 $\mu g/m^3$, 24-hour average. A measurement of 3.0 COH (Coefficient of haze), 24-hour average indicates the possibility of an alert level; however, the 375 limit must be reached before an alert may be declared.

(3) CO: 15 ppm (17 mg/m^3), 8-hour average.

(4) O_3: 0.2 ppm (400 $\mu g/m^3$), 1-hour average.

(5) NO_x: 0.6 ppm (1130 $\mu g/m^3$), 1-hour average, or 0.15 ppm (282 $\mu g/m^3$), 24-hour average.

(6) PM_{10}: 350 $\mu g/m^3$, 24-hour average.

(b) Air pollution warning: When the concentration of contaminants listed below indicates that air quality is continuing to degrade, second stage control actions must begin. A warning will be declared by the commissioner when any one of the following levels is reached at any representative sampling site and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or to increase, or in the case of oxidants, the situation is likely to recur within the next 24-hours unless control actions are taken:

(1) SO_2: 0.6 ppm (1600 $\mu g/m^3$), 24-hour average.

(2) Particulate: 625 $\mu g/m^3$, 24-hour average. A measurement of 5.0 COH's, 24-hour average indicates the possibility of a warning; however, the 625 limit must be reached before a warning may be declared.

(3) CO: 30 ppm (34 mg/m^3), 8-hour average.

(4) O_3: 0.40 ppm (800 $\mu g/m^3$), 1-hour average.

(5) NO_x: 1.2 ppm (2260 $\mu g/m^3$), 1-hour average, or 0.30 ppm (565 $\mu g/m^3$), 24-hour average.

(6) PM_{10}: 420 $\mu g/m^3$, 24-hour average.

(c) Air pollution emergency: The commissioner shall request that the governor of the state of Indiana declare an emergency pursuant to IC 13-1-1-7 and IC 13-7-12 when one of the criteria contaminants listed below reaches the following levels and (1) the concentrations of the pollutants are continuing to increase, or (2) the commissioner determines that, because of meteorological or other factors, the concentrations may remain at such levels or may continue to increase:

(1) SO_2: 0.8 ppm (2100 $\mu g/m^3$), 24-hour average.

(2) Particulate: 875 $\mu g/m^3$, 24-hour average. A measurement of 7.0 COH's, 24-hour average indicates the possibility of an emergency; however, the 875 limit must be reached before an emergency may be declared.

(3) CO: 40.0 ppm (46 mg/m^3), 8-hour average.

(4) O_3: 0.50 ppm (1000 $\mu g/m^3$), 1-hour average.

(5) NO_x: 1.6 ppm (3000 $\mu g/m^3$), 1-hour average, or .4 ppm (750 $\mu g/m^3$), 24-hour average.

(6) PM_{10}: 500 $\mu g/m^3$, 24-hour average.

[As amended at: 11 IR 3021.]

326 IAC 1-5-5 -------- Episode alert levels: termination of episode level

Once declared, any episode level reached by application of 326 IAC 1-5-4 shall remain in effect until the criteria for the level are no longer met. At that time, the commissioner,

based on the information available, shall declare the next lower episode level to be in effect and the commissioner shall notify the operators of the affected facilities of said declaration.

RULE 6. MALFUNCTIONS

326 IAC 1-6-1 ------- Malfunctions: applicability

This rule applies to the owner or operator of any facility required to obtain a permit under 326 IAC 2-5.1 or 326 IAC 2-6.1.

[As amended at: 22 IR 980.]

326 IAC 1-6-2 ------- Malfunctions: notice

(a) A record shall be kept of all malfunctions, including startups or shutdowns of any facility or emission control equipment which result in violations of applicable air pollution control regulations or applicable emission limitations and such records shall be retained for a period of three (3) years and shall be made available to the commissioner upon request. When a malfunction of any facility or emission control equipment occurs which lasts more than one (1) hour, said condition shall be reported to the commissioner or his appointed representative. Notification shall be made by telephone or telegraph, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of said occurrence. Failure to report a malfunction of any emission control equipment subject to the requirements of this rule (326 IAC 1-6) shall constitute a violation of this rule (326 IAC 1-6) and any other applicable rules. Information of the scope and expected duration of the malfunction shall be provided including the following:

(1) Identification of the specific emission control device to be taken out of service, as well as the location and permit number of such equipment.

(2) The expected length of time that the emission control equipment will be out of service.

(3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(4) Any measures such as the use of off-shift labor on equipment that will be utilized to minimize the length of the shutdown period.

(5) Any reasons that shutdown of the facility operation during the maintenance period would be impossible for the following reason:

(A) continued operation is required to provide essential services, provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be sufficient reason;

(B) continued operation is necessary to prevent injury to persons or severe damage to equipment.

(6) A demonstration that interim control measures have reduced or will reduce emissions from the facility during the shutdown period.

326 IAC 1-6-3 ------- Malfunctions: preventive maintenance plans

(a) Any person responsible for operating any facility specified in 326 IAC 1-6-1 shall prepare and maintain a preventive maintenance plan including the following information:

(1) Identification of the individual(s) responsible for inspecting, maintaining and repairing emission control devices.

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions.

(3) Identification and quantification of the replacement parts which will be maintained in inventory for quick replacement.

(b) Preventive maintenance plans shall be submitted to the commissioner upon request and shall be subject to review and approval by the commissioner. As deemed necessary by

the commissioner, any person operating a facility shall comply with the requirements of subsection (a) of this section.

326 IAC 1-6-4 ------- Malfunctions: where malfunction is not considered a violation

(a) Facility owners or operators shall be responsible for operating and maintaining all emission control equipment and combustion or process equipment or processes in compliance with all applicable rules. Emissions temporarily exceeding the standards which are due to malfunctions of facilities or emission control equipment shall not be considered a violation of the rules provided the source demonstrates that:

(1) All reasonable measures were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the allowable limits, including the use of off-shift and over-time labor, if necessary.

(2) All possible steps were taken to minimize the impact of the excessive emissions on ambient air quality which may include but not be limited to curtailment of operation and/or shutdown of the facility.

(3) Malfunctions have not exceeded five percent (5%), as a guideline, of the normal operational time of the facility.

(4) The malfunction is not due to the negligence of the operator.

(b) No facility shall be operated unless the air pollution control device(s) and measures are also in operation simultaneously and are not bypassed, unless necessary to prevent damage to equipment or injury to persons or unless there is a malfunction and the requirements set forth in subsection (a) of this section are met.

(c) Excessive emissions shall be brought into compliance with all practicable speed, and appropriate action, including those set forth above, to correct the conditions causing such emissions to exceed applicable limits; to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. These actions shall be initiated as expeditiously as practicable.

326 IAC 1-6-5 -------- Malfunctions: excessive malfunctions, department actions

The commissioner may consider the following guidance in determining cases of excessive malfunctions. Where records show that repeated malfunctions exceed five percent (5%), as a guideline, of the normal operational time for any one control device or combustion or process equipment, the commissioner may require that the maintenance program be improved or that the defective or faulty equipment or emission control device be replaced. The commissioner may require curtailment of operation of a facility if the owner or operator of the facility or emission control device cannot demonstrate that for the most recent twelve (12) month period the facility and/or the emission control device has operated in compliance with the applicable rules at least ninety-five percent (95%) of the operating time of said equipment.

326 IAC 1-6-6 ------- Malfunctions: malfunction emission reduction program

Any owner or operator of a facility which has the potential to emit concentration in excess of the concentrations stated in 326 IAC 1-6-1 shall submit by January 19, 1980, or within one hundred eighty (180) days after a new source commences operation, a malfunction emission reduction program. Said program shall include, but not be limited to, the normal operating emission rate and the program proposed to reduce emissions in the event of a malfunction to an emission rate which will not contribute to the cause of the violation of the ambient air quality standards established in 326 IAC 1-3. The program shall be based on the best estimates of type and number of startups, shutdowns, and malfunctions experienced during normal operation of the facility or emission control device and the scope and duration of such conditions.

Said program may be subject to review and approval by the commissioner.

RULE 7. STACK HEIGHT PROVISIONS

326 IAC 1-7-1 ------- Stack height provisions: applicability

This rule (326 IAC 1-7) shall apply to:

(1) All sources having exhaust gas stacks through which a potential of twenty-five (25) tons per year or more of particulate matter are emitted.

(2) All sources having exhaust gas stacks through which a potential of twenty-five (25) tons per year or more of sulfur dioxide are emitted.

(3) All dispersion techniques used in ambient air quality modeling for the purpose of establishing an emission limitation and for calculating the ambient air quality impact of a source.

326 IAC 1-7-2 ------- Stack height provisions: definitions

"Dispersion technique" means any techniques which effect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of the pollutant or by using techniques which have the effect of enhancing plume rise, thereby resulting in greater dispersion. Exemptions from this definition include:

(1) the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(2) the use of smoke management in agricultural or silvicultural programs;

(3) the episodic restrictions on wood burning;

(4) the merging of gas streams where the source or facility was originally designed and constructed with merged gas streams; or

(5) techniques at facilities that emit less than five thousand (5,000) tons per year of sulfur dioxide.

"Elevated terrain" means terrain which exceeds the elevation of the good engineering practice stack height as calculated pursuant to 326 IAC 1-7-4(a).

"Excessive concentrations", for the purpose of determining good engineering practice stack height in a fluid model or field study, means a maximum concentration due to downwash, wakes, or eddy effects proceeded by structures or terrain features which is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and results in an exceedance of either a national ambient air quality standard (NAAQS) or applicable prevention of significant deterioration (PSD) increment.

"Nearby", as used in 326 IAC 1-7-4(a), means that distance up to five (5) times the lesser of the height or width dimension of a structure but not greater than 0.8 km (one-half (1/2) mile). The height of the structure is measured from the ground level elevation at the base of the stack. For fluid modeling demonstrations, a terrain feature is considered "nearby" if it begins within 0.8 km (one-half (1/2) mile) of the stack, it achieves a height equal to forty percent (40%) of GEP stack height or twenty-six (26) meters whichever is greater, and extends a distance of up to ten (10) times the height of the terrain feature, not to exceed 3.2 kilometers (two (2) miles).

"Stack" means any point in a source designed to emit solids, gases, or liquids into the air, including a pipe or duct but not including flares.

326 IAC 1-7-3 -------- Stack height provisions: requirements

(a) All exhaust gas stacks subject to this rule (326 IAC 1-7) for which construction commenced after June 19, 1979, shall be constructed using good engineering practice (GEP). Stack height shall be sufficient to insure that emissions from said stack will not cause exces-

sive ground level concentrations due to atmospheric downwash, wakes, and eddies. The GEP stack height shall be calculated by adding the height of the supporting or the nearby structure, whichever is largest, to 1.5 times the lesser dimension (height or width) of the supporting or nearby structure. The nearby structure shall be within five (5) times the lesser dimension (width or height) of that structure, but shall in no event exceed 0.8 kilometers (one-half (1/2) mile). A greater or lesser stack height may be allowed through wind tunnel, field studies or other methods that show to the satisfaction of the commissioner that no such excessive concentrations, due to less than adequate stack height, will result.

(b) A source for which construction or modification commenced prior to June 19, 1979, may request the commissioner to allow an increase in stack height up to GEP as defined in subsection (a) above. Such increase shall be allowed if:

(1) the source demonstrates to the commissioner that said increase will not cause a violation of the ambient air quality standards as set forth in 326 IAC 1-3 or PSD increments as set forth in 326 IAC 1-2; and

(2) the source demonstrates to the commissioner that such increase is necessary to prevent downwash.

(c) All sources constructed before January 12, 1979, which received full GEP credit, must submit evidence of actual reliance on the 2.5 H formula before full GEP credit may be granted.

(d) All sources constructed after December 31, 1970, that are tied into grandfathered stacks, and all sources constructed prior to December 31, 1970, but for which major modifications have been carried out subsequent to that date, will be prohibited from stack height credit greater than GEP stack height.

326 IAC 1-7-4 -------- Stack height provisions: ambient air quality modeling

(a) For the purpose of establishing limits on the maximum stack height credit to be used in ambient air quality modeling and for calculating the air quality impact of a source, the stack height shall be the greater of:

(1) 65 meters;

(2) for stacks in existence on or before January 12, 1979, and for which the owner or operator had all applicable preconstruction permits or approvals as required by 326 IAC 2:

Hg = 2.5H;

(3) for stacks in existence after January 12, 1979:

Hg = H + 1.5L, where:

Hg = GEP height, measured from the ground level elevation at the base of the stack.

H = Height of nearby structure(s) measured from the ground elevation at the base of the stack.

L = Lesser dimension (height or projected width) of nearby structures.

The commissioner shall require fluid modeling and field studies in cases where the commissioner believes the formulas may significantly overstate the appropriate stack height credit.

(b) Sources shall be modeled at the physical stack height. If the physical stack height exceeds GEP stack height, GEP stack height shall be used in modeling.

(c) The stack height demonstrated by a fluid model or field study, approved by the commissioner, shall ensure that emissions from a stack do not result in excessive concentrations of any pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain.

(d) Emission limitations required for any source shall not be affected by the stack height that exceeds GEP or by any other dispersion technique, except as provided below in subsections (e) and (f) of this section.

(e) Sources which merged stacks before July 8, 1985, can receive credit for such merging if it was done to install pollution control equipment or for other engineering or economic reasons and generally did not result in an emission increase at the source.

(f) Sources which merge stacks after July 8, 1985, will only be granted credit for merging where reductions in the allowable emission rate occurs.

(g) The commissioner shall notify the public of the availability of the stack height demonstration study required by this section, and shall provide the opportunity for a public hearing on said study.

326 IAC 1-7-5 -------- Stack height provisions: exemptions and limitations

(a) All sources having less than twenty-five (25) tons per year of actual emissions (after controls) shall be exempt from the requirements specified in 326 IAC 1-7-3(a).

(b) The requirements specified in 326 IAC 1-7-4 shall not apply to stack heights in existence, or dispersion techniques implemented prior to December 31, 1970.

(c) Asphalt concrete plants are exempted from the requirements specified in 326 IAC 1-7-3.

(d) Stack that commenced construction or modifications that would raise them to GEP formula height prior to October 11, 1983, shall not be required to demonstrate GEP height by fluid modeling or field demonstration.